

Honorable Kermitt Gordon
Director
Bureau of the Budget
Washington 25, D. C.

Attention: Mr. Martin A. Kramer

Dear Mr. Gordon:

Reference is made to the Bureau's letter of 4 December 1963 requesting the views of this Agency on the Department of State draft bill to amend the Missing Persons Act (50 U. S. C. App. 1001 et seq.) to include coverage of aliens employed by the United States Government outside the continental United States. The proposed legislation would apply retroactively to all periods after 31 December 1945 during which an alien who had been employed for service outside the continental United States occupied a status listed in section 2 of the Missing Persons Act.

We note that a question exists as to the literal application of the Missing Persons Act to persons who are arrested, tried and imprisoned in foreign countries. H. R. 2989, a bill to amend the Missing Persons Act to cover certain persons detained in foreign countries against their will and for other purposes, which was proposed by the Department of Defense, was passed by the House of Representatives on 8 July 1963 and is now awaiting action by Senate Armed Services Committee. H. Report No. 411, to accompany H. R. 2989, indicates that that bill would provide specific coverage in cold war situation for personnel employed by the Federal Government who are arrested or otherwise detained by foreign governments in other than a hot war situation. The Report states in part at page 1:

At present, the benefits of the Missing Persons Act are provided for persons within the scope of the act who are 'officially determined to be absent in a status of missing, missing in action, interned in a foreign country, captured by a hostile force, or besieged by a hostile force.' All of these terms, with the exception of the word 'missing' standing alone and possibly 'interned in a foreign country' were originally predicated upon a declared war and if treated literally, would imply a condition of declared war.

The proposed amendments to the Missing Persons Act contained in H. R. 2989 would add the words 'detained in a foreign country against his will' and would thus provide specific coverage in cold war situation. . . .

This Agency has no objection to the draft proposal of the Department of State. In our opinion such an amendment to the Missing Persons Act would create no new benefits for aliens utilized in Agency operations abroad. However, the retroactive application of such an amendment could create difficult administrative problems and possibly some security problems with respect to certain employed aliens.

Sincerely,

STC:ED

John S. Warner
Legislative Counsel

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3 January 1964

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COMMENTS

1.
DD/P

3C34

2. Director of
Personnel

5E13

3. Legislative
Counsel

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The attached reply to the Bureau of the Budget concerning the State Department proposal to amend the Missing Persons Act to provide coverage for aliens employed for service overseas states that this Agency has no objection to the State proposal. After review of the whole matter it is not believed advisable to take exception with the Bureau of the Budget to propose legislation which will have no final affect on Agency handling of aliens employed in overseas operations. We do,

John S. Warner
Legislative Counsel

HAND CARRY

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

December 4, 1963

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer

U.S. Information Agency
Agency for International Development
Central Intelligence Agency
Defense Department
Civil Service Commission

SUBJECT:

State's draft bill, "To amend the Missing Persons Act (50 U.S.C. App. 1001, et seq.) to include coverage of aliens employed by the U.S. Government outside the Continental U.S."

The Bureau of the Budget would appreciate receiving the views of your agency on this subject before advising on its relationship to the program of the President.

(xx) In order to permit expeditious coordination and clearance in accordance with Circular A-19, it is requested that your reply be made within thirty (30) days.

() Special circumstances require that this be handled as a priority matter and that your views be received

Questions should be referred to Mr. Martin A. Kramer Bureau of the Budget, code ~~kkk~~, extension 21319.

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for Assistant Director for
Legislative Reference

Enclosures

Copy draft material

RECEIVED
JUN 1 1966
A bill to amend the Missing Persons Act (50 U.S.C. App. 1001, et seq.) to include coverage of aliens employed by the United States Government outside the Continental United States:

1. Section 1(a)(3) of the Act is amended by deleting the language "who are citizens or nationals of the United States, or who are aliens who have been admitted to the United States for permanent residence" and substituting therefor the language "whether they are citizens or nationals of the United States or aliens employed for service outside the continental United States".

2. Section 1 is amended by adding a new subsection (c), which shall read:

"Continental United States" means the 50 States of the United States and the District of Columbia."

3. There is hereby added a new section 17, which shall read:

"All reference in this act to pay and allowances shall, insofar as aliens employed for service outside the continental United States are concerned, embrace offsets whether payable directly or included within the employee's total annual wage in accordance with wage scales in effect during the period for which the benefits of this act apply to him."

4. There is hereby added a new section 18, which shall read:

"This act shall apply retroactively to all periods after December 31, 1945 during which an alien who had been employed for service outside the continental United States occupied the status listed in section 2 of this act."

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